ORDINANCE NO. 2001 - 055

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **FUTURE LAND USE ATLAS (FLUA)** FOR A COUNTY INITIATED SITE SPECIFIC AMENDMENT: **01-62 USAB 1 (USAB/TIER ADJUSTMENT)**, MODIFYING PAGE 62 OF THE FLUA BY CHANGING AN APPROXIMATELY 16.52 ACRE PARCEL OF LAND, LOCATED ON THE WEST SIDE OF CRESTWOOD BOULEVARD, APPROXIMATELY 1,000 FEET NORTH OF SOUTHERN BOULEVARD, TO ADJUST THE URBAN SERVICE AREA BOUNDARY (USAB) TO INCLUDE THE SUBJECT SITE; AMENDING THE **MAP SERIES** (TO INCLUDE THE SUBJECT SITE IN THE URBAN/SUBURBAN TIER ON MAP LU 1.1, IN THE URBAN SERVICE AREA ON MAP LU 2.1 AND ANY OTHER RELATED MAPS OF THE MAP SERIES FOR CONSISTENCY); PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 2, 9, 23, and March 9, 2001 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on March 26 and April 10, 2001 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on July 1, 2001 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 29, 2001 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on August 27, 2001 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

The following amendments to the Land Use Element's Future Land Use Atlas and Map Series are hereby adopted and attached to this Ordinance:

A. **Future Land Use Atlas page 62** is amended as follows:

Application No.:	01-62 USAB 1 (USAB/Tier Adjustment)
Amendment:	Adjust the Urban Service Area Boundary (USAB) to include the subject site;
General Location:	West side Crestwood Boulevard, approximately 1,000 feet north of Southern Boulevard;
Size:	Approximately 16.52 acres;

B. **Map Series,** to include the subject site in the Urban/Suburban Tier on Managed Growth Tier System map, LU 1.1;

C. **Map Series,** to include the subject site in the Urban Service Area, LU 2.1; and

D. any other related maps of the Map Series for consistency;

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If the Administration Commission issues a final order of noncompliance, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status,

a copy of which resolutions shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 27 day of August, 2001.

ATTEST:
DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By _____
Deputy Clerk

By _____
Warren H. Newell, Chairman

BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY FLORIDA

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____
COUNTY ATTORNEY

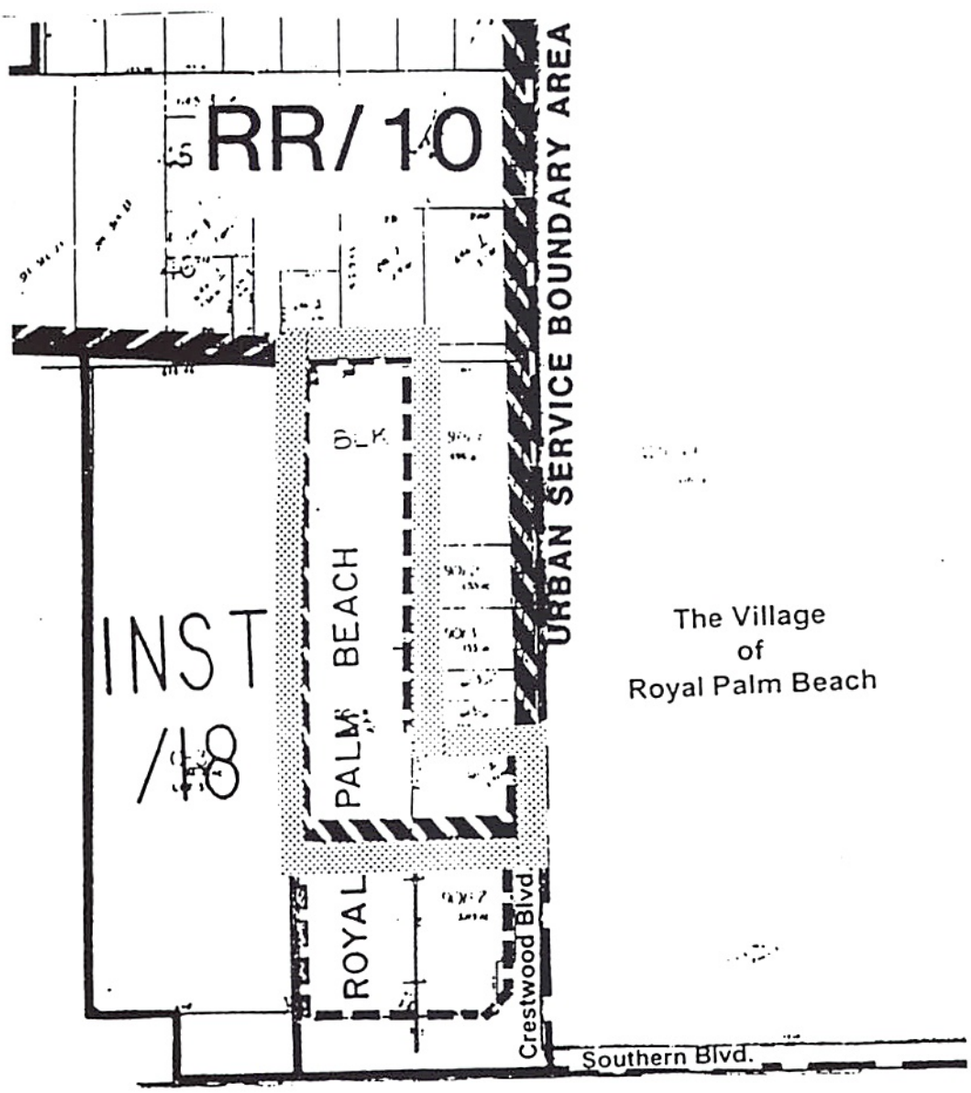
Filed with the Department of State on the 6th day

of September, 2001

EXHIBIT 1

A. Future Land Use Atlas page 62 is amended as follows:

Amendment No:	**01-62 USAB 1 (USAB/Tier Adjustment)**
Amendment:	Adjust the Urban Service Area Boundary (USAB) to include the subject site
Location:	West side Crestwood Boulevard, approximately 1,000 feet north of Southern Boulevard
Size:	Approximately 16.52 acres
Property No.:	72-41-43-34-01-901-0060 (2.37 acre parcel) 72-43-41-17-01-901-0080 (a 14.15 portion of a 18.61 acre parcel)
Conditions:	None



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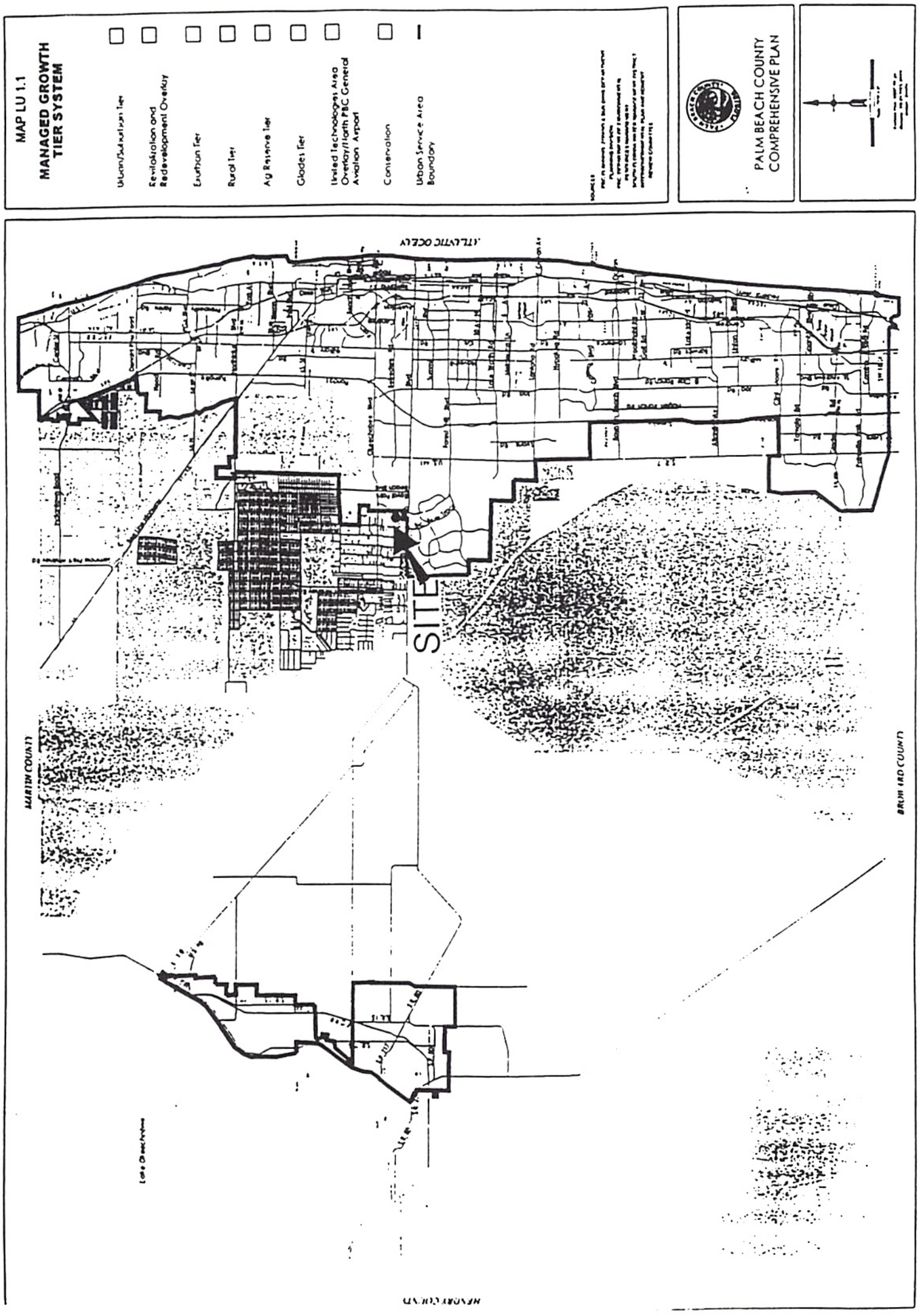
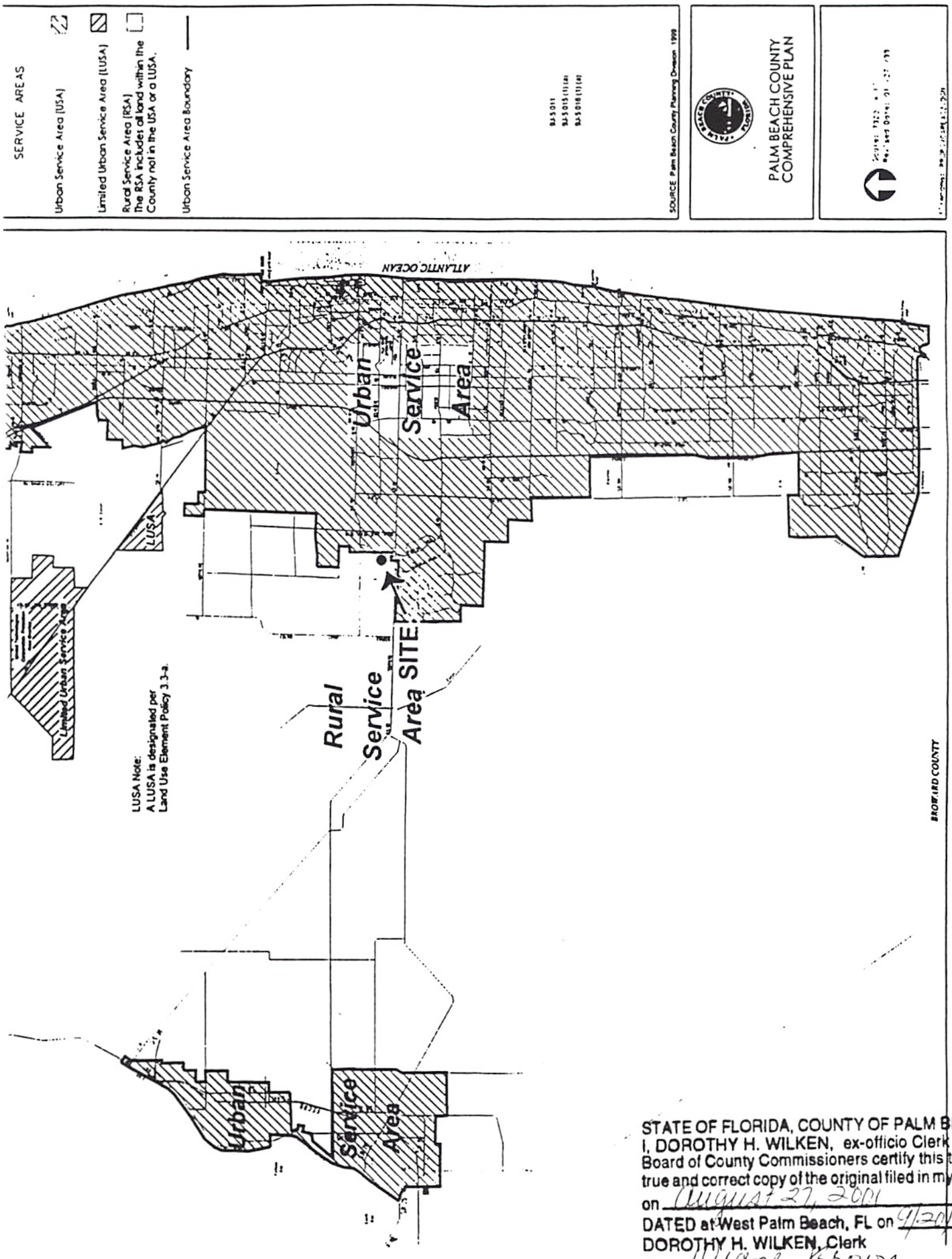
B. **Map Series,** Managed Growth Tier System map, LU 1.1

REVISION: To include the subject site in the Urban/Suburban Tier on the map.



C. **Map Series,** Service Areas map, LU 2.1

REVISION: To include the subject site in the Urban Service Area on the map.



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 27, 2001
DATED at West Palm Beach, FL on 9/20/01
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C